

60137-158
270-3038-U

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Welty
Serial No.: 10/007,021
Filed: 11/05/2001
Group Art Unit: 1775
Examiner: Piziali, Andrew T.
Title: COATED ARTICLE

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REPLY BRIEF

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in reply to the Examiner's Answer mailed on April 4, 2005. The Examiner's Answer raises three arguments which require some brief response.

A. Foster does not disclose a layer of refractory metal or refractory metal alloy that directly contacts a nickel layer.

The Examiner states that under the "Summary of the Invention" section of Foster, Foster discloses that the invention provides a method of applying a multi-layer coating to an article wherein the coating comprises at least one electroplated layer and at least one vapor deposited coating layer. The Examiner further states Foster discloses a coating consisting of three layers.

Even if the coating of Foster consists of three layers as stated by the Examiner, Foster does not disclose the claimed invention. Foster discloses an article including a layer of nickel 14 or 16, a chrome layer 20, a layer 22 of refractory metal or refractory metal alloy that directly contacts the chrome layer 20, and a layer 28 or 32 of refractory metal compound or refractory metal alloy compound directly contacts the layer 22. A layer of chrome 20 is located between the nickel layer 14 or 16 and the layer 22. Therefore, the layer 22 of refractory metal or

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refractory metal alloy does not directly contact the nickel layers 14 and 16 because of the presence of the chrome layer 20.

B. Foster does not disclose a uncoated layer of refractory metal compound or refractory metal alloy compound.

The Examiner states that Foster teaches an uncoated outer layer. Appellant respectfully disagrees. In the example of Figures 4 and 6 of Foster, a layer 22 of refractory metal or refractory metal alloy directly contacts an underlying electroplated layer. A layer 28 of refractory metal compound or refractory metal alloy compound of a sandwich layer 26 directly contacts the layer 22. However, the layer 28 is not uncoated as claimed. A layer 30 of refractory metal or refractory metal alloy is applied on the layer 28. More alternating layers 28 and 30 can be applied to form the sandwich layer 26. A layer 34 of the reaction products of refractory metal or refractory metal alloy with oxygen and nitrogen is then applied on the sandwich layer 26. Therefore, the layer 28 of refractory metal compound or refractory metal alloy compound is not uncoated as claimed because of the presence of the additional layers.

Additionally, the claimed invention is not anticipated by Figure 5. The layer 22 of refractory metal or refractory metal alloy directly contacts an underlying electroplated layer. A layer 32 of refractory metal compound or refractory metal alloy compound directly contacts the layer 22. The layer 32 is then coated with a layer 36 of refractory metal oxide or refractory metal alloy oxide. Therefore, the layer 32 is not uncoated as claimed by Appellant because the layer 36 is over the layer 32. The claimed invention is not anticipated by Foster, and Appellant respectfully requests that the rejection be withdrawn.

C. The claims of Foster do not disclose the claimed invention.

The Examiner states that none of claims 1, 2, 3 or 6 claim a chrome layer or an overlying layer. Even though claim 1 of Foster does not disclose a layer of chrome, this is not an indication that the invention of Foster does not include a chrome layer. This is only a recitation of the inventive feature of the invention on a general level. For example, claim 8 recites that the article includes a layer of chrome. The exclusion of a chrome layer from claim 1 does not indicate that Foster does not disclose a chrome layer. The claimed invention is not anticipated, and Appellant respectfully requests that the rejection be withdrawn.

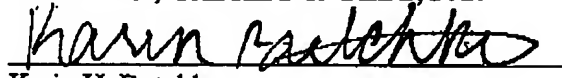
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CLOSING

For the reasons set forth above, the rejection of all claims is improper and should be reversed. Appellant respectfully requests such an action.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

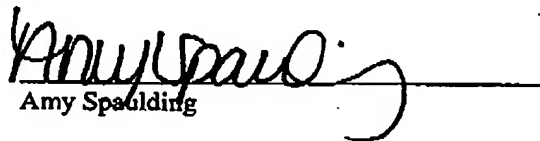


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Dated: July 5, 2005

CERTIFICATE OF FACSIMILE

I hereby certify that this reply brief is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306 on July 5, 2005.


Amy Spaulding